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UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

UNITED STATES OF AMERICA,

Plaintiff,

WALKER RIVER PAIUTE TRIBE,

Plaintiff-Intervenor,

vs.

WALKER RIVER IRRIGATION
DISTRICT,
a corporation, et al.,

Defendants.

} 3:73-CV-00127-RCJ-WGC
} IN EQUITY NO. C-125-ECR
} Subproceeding: C-125-B
} **WALKER RIVER PAIUTE TRIBE'S**
} **RESPONSE TO THE SUGGESTION OF**
} **DEATH UPON THE RECORD UNDER**
} **FRCP 25(A)(1)**

The Walker River Paiute Tribe ("Tribe") hereby requests that the Court enter its order denying the motion (Doc. 2266: referred to herein as the "Suggestion of Death Notice") to have Stanley L. Hunewill, one of the defendants herein, dismissed from this case. The request to have Mr. Hunewill dismissed states that Mr. Hunewill passed away, but it does not provide the name of the successor(s) to his interests in this case, so this case must continue with Mr. Hunewill as a party.

This Court's order concerning service issues pertaining to defendants who have been served (Doc. 1650: referred to herein as the "Successor-in-Interest Order") provides a process for substituting parties if a party dies. The order states if no notice or suggestion of death is made on

1 the record then the case will proceed to judgment with the original named party. Successor-in-
2 Interest Order § II.8. “Service of a statement noting the death’ means the filing on the record in
3 the applicable subproceeding(s) and service of a statement that identifies the successor(s) to the
4 estate who may be substituted for the decedent.” Successor-in-Interest Order § II.9. The proper
5 notice must include the name of the successor. The Suggestion of Death Notice filed in this
6 subproceeding did not identify the successor to Mr. Hunewill’s estate. Therefore the case must
7 continue with Mr. Hunewill named as a defendant.

8 Absent service of a statement noting the death in a subproceeding, the case may
9 proceed against the original named parties in that subproceeding and will bind any
10 and all successors-in-interest.

11 Successor-in-Interest Order § II.11.

12 Based on the foregoing, the Tribe hereby requests that the Court enter its order denying
13 the request to have Stanley L. Hunewill dismissed from this case.

14 RESPECTFULLY SUBMITTED this 20th day of July 2016.

15 LAW OFFICES OF WES WILLIAMS JR., P.C.

16 By /s/ Wes Williams Jr.
17 Wes Williams Jr.
18 3119 Pasture Road
19 P.O. Box 100
20 Schurz, Nevada 89427
21 Attorney for Walker River Paiute Tribe

22 CERTIFICATE OF SERVICE

23 I hereby certify that on this 20TH day of July, 2016, I electronically filed the foregoing
24 “**WALKER RIVER PAIUTE TRIBE’S RESPONSE TO THE SUGGESTION OF DEATH**
25 **UPON THE RECORD UNDER FRCP 25(A)(1)**” with the Clerk of the Court using the
26 CM/ECF system, which will send notification of such filing to the email addresses that are
27 registered for this case.

28 /s/ Wes Williams Jr.
Wes Williams Jr.